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## National Transportation Safety Board Amendments Act Of 1999

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### Volume

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### Pages

Pages H9032-H9040

### Legislative Body

House

### Date

[Thu, Sept. 30, 1999](#)

Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill,

H.R. 2910.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, with Mr. Barrett of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for the first time.

Under the rule, the gentleman from Tennessee (Mr. Duncan) and the gentleman from Illinois (Mr. Lipinski) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. Duncan).

**Rep. John J. Duncan Jr.**



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Mr. Chairman, I yield myself such time as I may consume.

This bill before us today reauthorizes the National Transportation Safety Board, the NTSB, for 3 years. The House needs to move forward with this legislation because the Board's authorization expires at the end of this fiscal year.

We are all familiar with the work of the Safety Board. It investigates all aviation accidents as well as accidents in other modes of transportation. The problems it uncovers and the recommendations it makes often lead to changes that make travel safer for us all.

The bill before the House now would increase the authorized funding levels for the Safety Board. Currently, the agency is receiving \$54 million per year. This bill would increase that amount to \$57 million in fiscal year 2000, \$65 million in 2001, and \$72 million in 2002. These are substantial increases in the second and third years, but the funding levels in these last 2 years are much less than the Board had sought. They seem to be necessary to provide the Board with the employees and the training to keep up with rapidly changing technology.

Also, as the agency's budget increases, it is becoming more important that it be subject to the proper level of oversight. Therefore, for the first time this bill will give the Inspector General the authority to review the business and financial management of the NTSB. With this provision, we do not mean to imply that there is anything improper going on. We are

merely treating the NTSB the same as other agencies which are subject to Inspector General review.

There are several other provisions in this bill worth noting. The first makes clear that the NTSB's jurisdiction over accidents on the navigable waters and territorial sea of the United States extends 12 miles from the coast. This is consistent with Presidential Proclamation 5928 and with the Coast Guard's jurisdiction.

The second change authorizes the NTSB to enter into agreements with foreign governments for the provision of technical assistance and to be reimbursed for those services which the NTSB provides. The NTSB requested that this be clarified.

The bill would also permit the NTSB to pay time-and-a-half to its employees who work overtime on an accident investigation. These employees sometimes are called unexpectedly to work in difficult conditions during nights and weekends. This provision would fairly compensate them for that. Employees in the private sector usually receive time-and-a-half when they work overtime. However, I know that overtime provisions have been abused at other agencies. Therefore, the overtime provision in this bill is subject to two limitations to ensure that such abuse does not occur at the Safety Board, and it should be done in other agencies. These limitations are that an employee cannot get more than 15 percent of his base yearly salary in any year, and the NTSB cannot pay more than \$570,000, or 1 percent of their authorized amount, per year total under this section. Moreover, overtime pay would be subject to an annual reporting requirement to ensure the committee's continued oversight of this issue. The NTSB had requested even more authority in the personnel area but indicated that it was the overtime issue addressed here that it is most interested in.

Another important provision, Mr. Chairman, in this bill is the section that ensures confidentiality of video recorders on aircraft and of voice and video recorders on surface vehicles. The NTSB requested this change in case these new technologies are installed in the future. We take no position on whether these recorders should be installed. We merely want to make sure that if recorders are installed, the information on them is used only for safety purposes and not generally released for sensational purposes or to invade the privacy of the operators.

The bill once again makes clear that the NTSB safety investigation takes priority over other investigations of the same accident. However, there is a carefully negotiated procedure in the bill for the NTSB to turn over its investigation to the FBI when the FBI notifies the Board that the accident may have been caused by a criminal act.

Finally, the bill directs the FAA to install a terminal Doppler weather radar at the former Coast Guard station in Brooklyn, New York. The FAA has already decided that this is needed for the safety of all air travelers but we want to make sure that nothing else holds this up. The need for this provision arose out of our hearing on aviation and weather accidents in July.

There it was revealed that the Park Service was objecting to the placement of this equipment which would very much enhance safety at LaGuardia and Kennedy airports. The Park Service has since backed down from its objection, but we want to keep pressure on them to make sure that important safety equipment is installed as quickly as possible.

Mr. Chairman, I believe this bill gives the NTSB the tools it will need to carry it into the

next century. I urge the House to support this legislation.

Mr. Chairman, I reserve the balance of my time.

**Rep. William O. Lipinski**



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Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. H.R. 2910 is a bipartisan bill that reauthorizes the NTSB for 3 years so it can continue to play a critical role in ensuring the safety of our Nation's transportation system.

The NTSB is an independent agency that investigates transportation accidents and promotes safety for transportation. It investigates accidents in all of transportation's various modes: Aviation, highway, transit, maritime, railroad, and pipeline and hazardous material transportation and makes recommendations on ways in which to improve safety. In the last 3 years alone, the board has investigated more than 7,000 accidents and issued 57 major reports. The board has also issued more than 1100 safety recommendations. These recommendations, many of which have been adopted, have greatly increased the safety of each mode of transportation.

To maintain its position as the world's preeminent investigative agency, it is imperative that the National Transportation Safety Board has the resources necessary to handle increasingly complex incident investigations. H.R. 2910 ensures that by increasing the National Transportation Safety Board's funding steadily and sensibly over the next 3 years, \$57 million in fiscal year 2000, 65 million in fiscal year 2001, and 72 million in fiscal year 2002. This funding will be used to permit the NTSB to hire more technical experts as well as to provide better training for its current work force. Dramatic changes in technology demand such an investment.

The bill also addresses the issues of coordination among investigative agencies. As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, State, and Federal investigators, agencies on the scene. This is especially true where accidents are not only being investigated for probable cause, but also when criminal activity is suspected. Proper coordination among these various investigative agencies is extremely important.

This bill reaffirms the National Transportation Safety Board's priority over an accident scene unless the attorney general, in consultation with the NTSB chairman, determines that the accident may have been caused by a criminal act. In that case the National Transportation Safety Board would relinquish its primary investigative authority over the scene.

I strongly support H.R. 2910, and I urge my colleagues to vote in favor of this bill.

Mr. Chairman, I reserve the balance of my time.

**[Rep. John J. Duncan Jr.](#)**



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Mr. Chairman, I have no other speakers at this time, so I simply reserve the balance of my time.

**[Rep. William O. Lipinski](#)**



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Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Oberstar), the ranking member of the full committee.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

**[Rep. James L. Oberstar](#)**



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Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the National Transportation Safety Board is the Nation's premier safety agency. Our highways are safer, our airways are safer, our railroads are safer, our maritime commerce is safer because of the work of the National Transportation Safety Board year in and year out, going back as far as 1926 when the Air Commerce Act vested in the Department of Commerce the authority to investigate aircraft accidents, an initiative, I might add, spearheaded by a leader in government who later was known or best known for other things that happened in the country. Herbert Hoover, as an Assistant Secretary of Commerce, championed aviation but also realized that if we did not act as a government to set national standards to make aviation safe and reliable, that there could not be commercial growth in this new mode of transportation. And he was the champion for aviation safety. The Nation owes him a debt of gratitude for that leadership.

Since those years and on to the creation of the Department of Transportation in 1966, the role of overseeing safety was lodged largely within the various modes of transportation. In 1966, Congress acted to create a Department of Transportation, and I was a member of the staff of the chairman, the Honorable John Blatnik, who was chairman of the Executive Branch Reorganization subcommittee that created the Department of Transportation and crafted an independent safety board but left it within the Department.

We realized 6 months after the Department had been created, that this was not going to work, that it would create the appearance of the Department and its several modal administrations investigating themselves. So we separated out from the Department of Transportation the Safety Board, created a National Transportation Safety Board, and in 1974 further strengthened that board, giving it greater independence.

The true significance of this board is that its investigations are independent. They are conducted by a staff of highly-trained, skilled, gifted, talented, hard-working professionals. The findings and the conclusions of the board stand above reapproach. Their recommendations to the modal administrations are normative, not burdened by cost-benefit analysis. Their obligation is simply to recommend as improvements in safety what the board in its judgment, in the judgment of its professional staff and its board members, believe to be in the highest best interests of safety. It is then up to the rulemaking process of the modal administration to sort out the costs and the benefits, and that is why the board stands in such high regard throughout all modes of transportation within the United States, with the traveling public and with other countries.

Since its establishment in 1966, the board has investigated over 100,000 aviation accidents and 10,000 surface transportation accidents and hundreds more railroad and maritime issues. The work of this board deserves the support that we give it in this legislation with additional funding, with increased staffing, with authority to pay overtime, with support in the legislation to strengthen the agreement between NTSB and the Inspector General of the Department of Transportation. Yes, even the NTSB needs oversight of its financial management and business operations and long ago concluded an agreement with the I.G. to undertake such activity. The authority we provide in this legislation will ensure that the money we invest in the board is well spent and that potential for fraud and abuse is reduced

or eliminated.

Mr. Chairman, there are a number of other items that I would like to address, and in order to save time I ask unanimous consent to revise and extend. I would like to concentrate on just one issue and that is Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. The Coast Guard had just inspected the vessel, had ordered the owner to install bilge alarms, but it failed to ensure that the vessel owner had indeed complied with the Coast Guard order. Despite this apparent conflict of interest, the Coast Guard led the investigation of that accident. Under no circumstances should the Coast Guard or any Federal Government agency unilaterally decide when it has a conflict of interest and when it should investigate its own decision and its own actions. We do not allow this in aviation; we do not allow it in any other mode of transportation; and we should not allow it here.

I am concerned about the process of the Coast Guard in conducting accident investigations. The NTSB has told us that when the Coast Guard convenes a formal board of investigation, it is very difficult for the board to obtain information that the board can verify as accurate. The open nature of the formal Coast Guard board can also affect witness testimony or recollection of events because such proceedings allow witnesses to hear each others' testimony.

After discussing these concerns with Admiral Loy, the Commandant of the U.S. Coast Guard, we reached an understanding these issues could be addressed administratively without specific legislative change. Language included in the committee report to accompany H.R. 2910 is intended to provide guidance for both the Coast Guard and the NTSB to address these concerns. In short, we mean for them to get together and resolve the issue of primacy in an investigation and timing. If that issue is not resolved between the two, I assure both parties this committee will come back and address it legislatively.

All in all this is an excellent piece of legislation, it moves the cause of safety significantly ahead; it strengthens the role of the NTSB. I commend the gentleman from Tennessee (Mr. Duncan) for the extensive work that he has contributed to the formulation of this bill and to the ranking member, the gentleman from Illinois (Mr. Lipinski) for the diligent effort that he has invested in the formulation of the legislation.

Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. H.R. 2910 reauthorizes the NTSB for three years so it can continue to play a critical role in ensuring the safety of the United States transportation system.

This agency's roots stem as far back as 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigate aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the NTSB was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, in further resolve to ensure that NTSB retain its independence, Congress reestablished the Board as a totally separate entity distinct from DOT. Since that time, the NTSB has investigated more than 100,000 aviation accidents, and more than 10,000 surface transportation accidents. The American travelling public is much safer today due to the hard work of the NTSB staff in conducting investigations and pursuing safety recommendations.

In the last three years alone, the Board has investigated more than 7,000 accidents and issued 57 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials). The Board has also issued more than 1,100 safety recommendations--many of which have been adopted by Congress, federal, state and local governments, and the affected industries.

The NTSB's tireless efforts in investigating accidents and issuing recommendations have led to innovative safety enhancements, such as manual cutoff switches for airbags, to measures to prevent runway incursions, to countermeasures against operator fatigue in all modes of transportation. In addition, the NTSB has promoted the installation of more sophisticated voice recorders to enhance its ability to investigate aircraft accidents.

Despite a small workforce of approximately 370 full-time employees, the NTSB has provided its investigative expertise in thousands of complex aviation accidents--including its painstaking review of the TWA 800 crash. The NTSB is also frequently called upon to assist in aviation accident investigations in foreign countries. The demand upon this small agency, with its highly trained, professional staff, will only grow with the aviation market's ever-increasing globalization. In addition, according to a preliminary analysis by the RAND Corporation, new technological advances in all modes of transportation--from glass cockpits in aviation to sophisticated electronic alerting devices in the railroad industry--will require more extensive training for NTSB investigators.

To maintain its position as the world's preeminent investigative agency, it is imperative that the NTSB has the resources necessary to handle the increasingly complex accident investigations. H.R. 2910 ensures that by increasing NTSB's funding steadily and sensibly over the next three years: \$57 million in FY 2000; \$65 million in FY 2001; and \$72 million in FY 2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce. Dramatic changes in technology demand such an investment.

However, with this increase in funding also comes the requirement to strengthen the oversight of financial matters at the agency. H.R. 2910 vests the DOT's Inspector General with the authority to review the financial management and business operations of the NTSB. This will help ensure that money is well spent and the potential for fraud and abuse is reduced. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, H.R. 2910 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on-scene. These competent individuals are oftentimes called upon to work upwards of 60, 70 or 80 hours per week in extreme conditions--whether in the swamps of the Florida everglades or the chilly waters off the Atlantic ocean--side-by-side with other federal agency investigators--many of whom are paid for extra hours worked. Moving to this type of parity is the least that we can do to show our appreciation for the efforts of these dedicated professionals.

As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, state, and federal investigative agencies on scene. This is especially true where accidents are not only being investigated for probable cause--but also when criminal activity is suspected. Proper coordination between these various investigative agencies performing very important, albeit very different, functions is of paramount importance. H.R. 2910 reaffirms NTSB's priority over an accident scene unless the Attorney General, in



consultation with the NTSB chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene--but such relinquishment will not, in any way, interfere with the Board's authority to continue its probable cause investigation.

One issue of concern to me is the NTSB's ability to investigate major marine casualties. Currently, both the NTSB and the Coast Guard have joint authority to conduct investigations of major marine casualties. I have two concerns about the current process. First, under the existing regulations and the Memorandum of Understanding, the Coast Guard must agree to allow the NTSB to have the lead in casualties that involve significant safety issues relating to Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. Although the Coast Guard had just inspected the vessel and ordered the owner to install bilge alarms, it failed to ensure that the vessel owner complied with its order. Despite this apparent conflict of interest, the Coast Guard led the investigation. Under no circumstances should the Coast Guard be able to unilaterally decide when it has a conflict of interest. We do not allow this in aviation or any other transportation safety investigation and should not allow it here.

Second, I am concerned about the Coast Guard's process in conducting accident investigations. According to the NTSB, once the Coast Guard convenes a formal board of investigation, it is very difficult to obtain information that you can be sure is accurate. The open nature of the formal board can affect witness testimony or recollection of events because such proceedings allow for witnesses to hear each other's testimony.

After discussing these concerns with Admiral Loy, the Commandant of the Coast Guard, it was agreed that both of these issues could be addressed administratively without a specific legislative change. Language included in the Committee Report to H.R. 2910 is intended to provide guidance to both Coast Guard and the NTSB to address these concerns.

Having a well funded, well-trained NTSB workforce to meet the challenges of the 21st Century is of the utmost importance for the American travelling public. I urge my colleagues to support this critical piece of legislation, and I compliment Chairman Shuster, Chairman Duncan and Ranking Member Lipinski for their efforts.

### [Rep. William O. Lipinski](#)



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Mr. Chairman I yield 5 minutes to the gentlewoman from Texas (Ms. Jackson-Lee).

## Rep. Sheila Jackson-Lee



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Mr. Chairman, I thank the ranking member and the chairman for listening to the concerns that I have with respect to a series of incidences that have occurred actually in my district.

First of all, I want to associate myself with the supporters of this legislation. As I listened to the remarks of the gentleman from Minnesota (Mr. Oberstar), I am reminded of when the tragedies of any kind of transportation incident or accident occurs, you sort of look to the NTSB, the board, to come in like the Red Cross or those angels of assistance to clarify what happened and particularly if there is loss of life, and we always hear the news as they come in and there is a sigh of relief from the respective communities because, as my colleagues know, this group of experts will be assisting in determining the true facts of what occurred.

I would almost hope that I did not have to rise today, Mr. Chairman, but it has been enormously difficult for my community. I represent an urban community with a number of interstate routes that go throughout it, and particularly in my minority community.

I was to offer, or was intending to offer, an amendment today that would have asked that we look at or should include the National Transportation Safety Board's recommendation that I understand they had offered regarding recording devices in trucks.

That kind of device, similar to a black box in airplanes, could provide a tamper-proof mechanism that could be used or can be used for accident investigation and to enforce the hours of service regulation.

Mr. Chairman, I would like to speak to the issue of the accident aspect of that technology and would hope that maybe if it is not today, since I hope to be working with the members of this committee, that maybe we can look at the motor carrier bill and be able to include language on this particular issue.

Mr. Chairman, let me share with you a headline. ``Jurors left in tears at wreck trial. Widow describes freeway horror," in my district. ``In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp."

Mr. Chairman, it was a family made in heaven, if you will. Having picked up her husband from the airport, probably hearing the discussions of his travel, happily going home, and a truck turns a curve on an interstate freeway, falls over, the woman is expelled from the truck, and she has to watch her three young babies and her husband burn to death.

``Trucks-cars prove to be a deadly mix on freeways." Another one that happened on

Interstate 45. A tanker truck veered into oncoming traffic and drivers across the city shuddered as a tragedy resulted in that accident as well.

I have had about 10 of these back to back during the summer. ``Tanker rig flips, trucker perishes in fiery crash." This was an overpass that, in addition to the tragic loss of the trucker, as a witness said, ``All I saw was the cab of the truck bounce and the whole thing rolled over." An eyewitness said the truck flipped and then burst into flames almost instantly. It is not only the terrible loss of the trucker's life, but the shutdown of that freeway for many, many, many months, thereby denying access of transportation to many of my constituents and the citizens of Houston.

Tanker truck firm sued in crash that killed infant and father, whose 5 year old son died in collision. It talks about the negligence. The collision killed 9-month-old Lisa Patrice Pete and half brother Jerry Andrew Morino.

I can only say, Mr. Chairman, that I think as we all acknowledge the importance of the National Transportation Safety Board and the importance, if you will, of its work in these amendments, I would hope that we also will look to some of the recommendations that they have made with respect to the technology of a recording device. It is important that we note whether or not in determining the accident as well, whether or not a trucker has been driving too long, whether or not there has been any falsification of records. I am going off on other issues that may have an impact on tragic accidents like this.

But the one thing I can tell you is when these trucks go through crowded urban areas, when they are going through cities, and I realize they have deadlines and responsibilities, Mr. Chairman, I would simply say to you that we must look to the protection of those residents that live in that area.

I hope this language that I would have offered could be language that we could consider. I understand it was a recommendation by the board. I would inquire of the gentleman from Illinois (Mr. Lipinski) about the opportunity to work with him to protect our communities.

Mr. Chairman, I rise to discuss my proposed amendment to H.R. 2910. Nearly 5,000 people are killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

In Houston, Texas, a man (Kurt Groten) 38 years old and his three children David, 5, Madeline, 3, and Adam, 1, were killed in a horrific accident when a 18-wheel truck crashed into their vehicle. His wife was the only survivor of the crash, testified in criminal proceedings against the driver last week stating ``I saw that there was a whole 18-wheeler on top of our car. . . . I remember standing there and screaming, `My life is over! All of my children are dead!' "

In Galveston, a 5-year-old boy (Jerry Moreno) and his 9-month old sister, (Lisa) were killed in an accident when the vehicle driven by their father was struck by an oncoming truck.

These are only a few examples of the thousand of terrible and fatal trucking accidents that are caused every year on our nation's roads and highways.

My amendment/resolution would require that data recorders similar to the black boxes found on airliners be carried in trucks. The NTSB has pushed for this technology as a means of verifying the hours drivers work since 1990. Currently truck drivers must comply with the federal government's 60-year-old rule that they take eight hours of rest for every 10 behind the wheel.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as "comic books." In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamper-proof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather than relying on the driver's handwritten logs.

Mr. Chairman, I know that the trucking industry is concerned by the added cost of the recorders. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy. But can we afford to put pocket before safety? Ask yourselves where we would be without recorders in commercial aviation, rail, or the marine industry? I think that I have a good idea what the answer is, we would not know what caused that accident nor would we be able to learn from our mistakes.

Mr. Chairman, there is no good reason that we should not adhere to the advice of the NTSB and require these recorders on the trucks that navigate our highways. Putting our pockets before safety is simply foolish when the technology exists today which could save the lives of the constituents we represent.

Mr. Chairman, let us vote today to put action behind our discussion.

Big truck, little cars, nowhere to go. It happened again Tuesday when three people died on Interstate 45-North. A tanker truck veered into oncoming traffic and drivers across the city shuddered. Some were upset because of the mix of trucks and cars on area roadways. Others were mad because the stretch of freeway where the accident happened is notorious for crashes. The collision is the latest in a string of well-publicized accidents involving trucks, such as the Feb. 12 Gulf Freeway crash that killed four. Large trucks drive less than 5 percent of the vehicle-miles on Harris County roadways, according to the Houston-Galveston Area Council. At fault or not, they are involved in 9 percent of the fatal collisions, according to the Texas Department of Public Safety statistics for 1995-97. By comparison, passenger cars drive 70 percent of local miles traveled but were involved in only 63 percent of fatal collisions. Several experts said that every accident is unique in terms of who deserves the blame. Cars have many more accidents per mile driven than trucks, but trucks cause more deaths when they do crash, because of their size and weight. While the crash victims Tuesday couldn't escape the out-of-control truck, the experts said

one thing often found in car- truck accidents is lack of understanding by car drivers of how much space a truck needs. ``The commercial driver is a trained driver. The person in a passenger car may know how his car handles, but he has no idea how a truck handles," said Pasadena police Sgt. Loni Robinson, who runs the city's truck inspection program. An 18-wheeler cannot see tailgating drivers. At 55 mph, a fully loaded truck needs the length of a football field to make an emergency stop--twice as long as a passenger car going the same speed. In Houston, when a responsible truck driver tries to leave extra room in front of his rig, several cars likely will zip in front of him and close up the space. Even the best trucker will be forced to give up and drive too closely to a vehicle ahead, said B.L. Manry, safety director at Palletized Trucking of Houston and a national board member of the American Trucking Association's Safety Management Council. Manry stressed that he is not an industry apologist. ``Let's face it, there's a lot of outlaws out there," he said.

**[Rep. William O. Lipinski](#)**



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Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first of all like to hear from the gentleman from Tennessee (Mr. Duncan), the chairman of the Subcommittee on Aviation, in regard to this matter.

**[Rep. John J. Duncan Jr.](#)**



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Mr. Chairman, will the gentleman yield?

**[Rep. William O. Lipinski](#)**



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I yield to the gentleman from Tennessee.

**[Rep. John J. Duncan Jr.](#)**

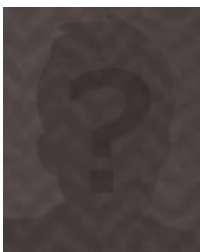


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Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have had a discussion with the gentlewoman from Texas (Ms. Jackson-Lee) about her concerns. I want to assure the gentlewoman that from our side that we certainly will work with her in every way possible, because all of us, I think on both sides of this House, want to do everything possible to improve truck safety, and especially in regard to trucks that are moving through heavily populated urban areas. So certainly we will try to do everything we can.

**[Rep. William O. Lipinski](#)**



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Mr. Chairman, reclaiming my time, I want to echo the statement of the chairman of the

Subcommittee on Aviation, the gentleman from Tennessee (Chairman Duncan). I too will work and our staff will work very closely with the gentlewoman to see if we cannot work something out that is beneficial in the next bill we are going to be dealing with in regards to the Committee on Transportation and Infrastructure.

**[Rep. Sheila Jackson-Lee](#)**



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Mr. Chairman, if the gentleman will yield further, I am most grateful. I thank the chairman and the gentleman from Illinois, and my community thanks you very much.

**[Rep. William O. Lipinski](#)**



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Mr. Chairman, I yield back the balance of my time.

**[Rep. John J. Duncan Jr.](#)**



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Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no further requests for time. Let me just say I understand the

gentleman from New York (Mr. Weiner) is going to offer an amendment, and we are going to agree to this amendment concerning the installation of a doppler weather radar system in Brooklyn, New York. This provision was placed in this legislation because there was a dispute between the FAA and the Department of Interior, the Park Service, on the installation of this system.

We have been told that the Park Service and the FAA have now reached an agreement to go ahead and install this system. The staff had included this in the legislation just because of some uncertainty regarding a pending Federal lawsuit on this issue.

I will simply say this: we feel it is the intent of the Congress that this system should be installed there, and we will remove this provision at this time, reserving the right to revisit this issue if necessary in a conference with the Senate or at some later point if for some reason this agreement is not carried out.

With that said, Mr. Chairman, that we will agree to that change, we do have a good bill, a necessary bill, and I urge the support of the entire body for this reauthorization of the National Transportation Safety Board.

### [Rep. James A. Traficant](#)



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Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. I want to commend Aviation Subcommittee Chairman Duncan and Ranking Member Lipinski for the excellent work they have done in crafting this excellent piece of legislation. Having spent the better part of a year working with the National Transportation Safety Board on my own review of the TWA Flight 800 tragedy, I am familiar with the challenges facing the board.

H.R. 2910 includes a number of important provisions that will improve the NTSB's ability to deal with major airline accidents and work more efficiently with federal law enforcement agencies. The bill also clarifies that the board has the authority to enter into agreements with foreign governments to provide technical assistance and other services. I am also pleased that the committee report to accompany this legislation includes language making recommendations on how the NTSB can better improve coordination and cooperation with other parties in a major airline investigation.

I helped craft this language and hope to continue working with the NTSB to ensure that it has the resources it needs to do its job, and that it makes the best possible use of the



specialized expertise that exists at companies like Boeing and Pratt Witney. I would also like to thank the former chairman of the committee, Congressman Norm Mineta, for his assistance in this area. The commission that he chaired made a number of recommendations on how to improve the party system. The report language echoes the findings of the Mineta Commission.

Mr. Chairman, as I have several times in the past, I want to salute the dedicated professionals at the NTSB. Day in and day out, year after year, these remarkable public servants work long hours under trying conditions. Often their work is frustrating and extremely stressful. But because of their professionalism, commitment and talent, thousands of lives have been saved. For example, even though the Board has yet to determine the cause of the Flight 800 crash, the work that Board investigators have done on that accident investigation has forced the FAA and airline industry to make substantive changes, especially in the area of aircraft wiring and aircraft wiring inspection. These changes will make our skies safer.

Every American who flies owes the NTSB a debt of gratitude. I, for one, deeply appreciate the excellent work they have done and continue to do.

I urge approval of the bill.

**[Rep. John J. Duncan Jr.](#)**



Party  
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Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 106-347 shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Short Title.--This Act may be cited as the "National Transportation Safety Board Amendments Act of 1999". (b) References.--Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

Section 1101 is amended to read as follows:

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

(a) In General.--Section 1113(b)(1)(I) is amended to read as follows: "(I) negotiate and enter into agreements with private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of technical services or training in accident investigation theory and technique, and require that such entities provide appropriate consideration for the reasonable costs of any goods, services, or training provided by the Board.". (b) Deposit of Amounts.--Section 1114(a) is amended-- (1) by inserting "(1)" before "Except"; and (2) by adding at the end the following: "(2) The Board shall deposit in the Treasury amounts received under paragraph (1). Such amounts shall be available to the Board as provided in appropriations Acts.".

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

Section 1113 is amended by adding at the end the following: "(g) Overtime Pay.-- (1) In general.--Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS-10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay. (2) Limitation on overtime pay to an employee.--An

employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year. `` (3) Limitation on total amount of overtime pay.--The Board may not make overtime payments under paragraph (1), for work performed in a calendar year, in a total amount that exceeds \$570,000. `` (4) Basic pay defined.--In this subsection, the term `basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law). `` (5) Annual report.--Not later than January 31, 2001, and annually thereafter, the Board shall transmit to Congress a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year and the number of employees whose overtime pay under this subsection was limited in such fiscal year as a result of the 15 percent limit established by paragraph (2)."

The CHAIRMAN. Are there any amendments to section 4?

[Rep. John J. Duncan Jr.](#)



Party

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Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

(a) Cockpit Video Recordings.--Section 1114(c) is amended-- (1) in the subsection heading by striking ``Voice"; (2) in paragraphs (1) and (2) by striking ``cockpit voice recorder" and inserting ``cockpit voice or video recorder"; and (3) in the second sentence of paragraph (1) by inserting ``or any written depiction of visual information" after ``transcript". (b) Surface Vehicle Recordings and Transcripts.-- (1) In general.--Section 1114 is amended-- (A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and (B) by inserting after subsection (c) the following: `` (d) Surface Vehicle Recordings and Transcripts.-- `` (1) Confidentiality of recordings.--The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the

accident-- `` (A) if the Board holds a public hearing on the accident, at the time of the hearing; or `` (B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket. `` (2) References to information in making safety recommendations.--This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations." (2) Conforming amendment.--The first sentence of section 1114(a) is amended by striking `` and (e)" and inserting `` (d), and (f)". (c) Discovery and Use of Cockpit and Surface Vehicle Recordings and Transcripts.-- (1) In general.--Section 1154 is amended-- (A) in the section heading by striking `` cockpit voice and other material" and inserting `` cockpit and surface vehicle recordings and transcripts"; (B) in subsection (a)-- (i) by striking `` cockpit voice recorder" each place it appears and inserting `` cockpit or surface vehicle recorder"; (ii) by striking `` section 1114(c)" each place it appears and inserting `` section 1114(c) or 1114(d)"; and (iii) by adding at the end the following: `` (6) In this subsection-- `` (A) the term `recorder' means a voice or video recorder; and `` (B) the term `transcript' includes any written depiction of visual information obtained from a video recorder." (2) Conforming amendment.--The table of sections for chapter 11 is amended by striking the item relating to section 1154 and inserting the following: `` 1154. Discovery and use of cockpit and surface vehicle recordings and transcripts." (d) Requirements for Installation and Use of Recording Devices.--Section 329 is amended by adding at the end the following: `` (e) Requirements for Installation and Use of Recording Devices.--A requirement for the installation and use of an automatic voice, video, or data recording device on an aircraft, vessel, or surface vehicle shall not be construed to be the collection of information for the purpose of any Federal law or regulation, if the requirement-- `` (1) meets a safety need for the automatic recording of realtime voice or data experience that is restricted to a fixed period of the most recent operation of the aircraft, vessel, or surface vehicle; `` (2) does not place a periodic reporting burden on any person; and `` (3) does not necessitate the collection and preservation of data separate from the device."

(a) In General.--Section 1131(a)(2) is amended-- (1) by striking `` (2) An investigation" and inserting `` (2)(A) Subject to the requirements of this paragraph, an investigation"; and (2) by adding at the end the following: `` (B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section. `` (C) If a law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under paragraph (1)(A)-(D) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved." (b) Revision of 1977 Agreement.--Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

Section 1131(d) is amended by striking `` 1134(b)(2)" and inserting `` 1134(a), (b), (d), and (f)".

(a) In General.--Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

Section 1118(a) is amended to read as follows: ``**(a) In General.**--There is authorized to be appropriated for the purposes of this chapter \$57,000,000 for fiscal year 2000, \$65,000,000 for fiscal year 2001, and \$72,000,000 for fiscal year 2002. Such sums remain available until expended.".

If the Administrator of the Federal Aviation Administration determines that it would enhance aviation safety, the Administrator shall install a Terminal Doppler Weather Radar at the site of the former United States Coast Guard Air Station Brooklyn at Floyd Bennett Field in King's County, New York.

**[Rep. Anthony Weiner](#)**



Party  
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Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Weiner: Strike section 10 of the bill, relating to terminal doppler weather radar.

**[Rep. Anthony Weiner](#)**



Party  
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Mr. Chairman, I first want to thank the chairman of the Subcommittee on Aviation and ranking member for the fine work that they have done on this bill. This is a piece of legislation that doubtlessly will not earn front page notice in our newspapers around the country, but the fine work that has been done by the subcommittee in ensuring the safety of travelers around the country should not go unnoticed, and this bill is indeed worthy of the full House's support.

Mr. Chairman, I will not take my full time. I just want to thank the chairman for his previous statement and for his understanding of the situation. This is an instance where the drafting of the bill had been overtaken by events on what is admittedly a controversial issue.

I agree 100 percent that there should be a terminal doppler radar installed to serve the New York City area, the Kennedy and LaGuardia Airports. That is something that I think my constituents and all New Yorkers and travelers around the world support. I am hopeful and confident that the way has been cleared for a way to install that doppler radar in a quick and expeditious fashion.

My amendment simply strikes the section of the bill that predates an agreement that was entered into between Interior and the FAA that was mediated by the Council on Environmental Quality.

Again, I want to thank very much the chairman of the subcommittee and the ranking member for their understanding in this matter.

**[Rep. John J. Duncan Jr.](#)**



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Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as I stated earlier, we feel this system should be installed to enhance the safety of the traveling public, particularly into Kennedy and LaGuardia Airports. We agree to this amendment.

**[Rep. William O. Lipinski](#)**



Party  
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IL

Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to simply state that from our side of the aisle, we also agree that we will accept this amendment. I spoke to the gentleman from Tennessee (Chairman Duncan) about this amendment. I appreciate very much his cooperation in removing this language from the bill by accepting the amendment.

I want to say also, as the gentleman from Tennessee (Chairman Duncan) mentioned, and I concur with him, in the event that everything does not develop the way we anticipate it developing pertaining to this doppler weather system, we do reserve the right to revisit this issue when we get to conference or some other time before the bill actually comes back to be passed into law.

Based upon my observance over here, I do not think we have any further amendments coming forth, and I think we are very close to passing this bill. So in getting to that point, I want to say that it is always a pleasure working with the gentleman from Tennessee (Chairman Duncan). He and I get along very well together. He is very cooperative.

I appreciate also the cooperation of the gentleman from Pennsylvania (Chairman Shuster), the ranking member, the gentleman from Minnesota (Mr. Oberstar), and, once again, the staff of the Subcommittee on Aviation, I believe, has done an outstanding job; and I want to express my personal appreciation to each one of them for everything that they have done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Weiner).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Rogan) having resumed the chair, Mr. Barrett of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, pursuant to House Resolution 312, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

**Rep. John J. Duncan Jr.**



Party  
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Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were--yeas 420, nays 4, not voting 9, as follows:

[Roll No. 462] YEAS--420 Abercrombie Ackerman Aderholt Allen Andrews Archer Arney Bachus Baird Baker Baldacci Baldwin Ballenger Barcia Barr Barrett (NE) Barrett (WI) Bartlett Barton Bass Bateman Bentsen Bereuter Berkley Berman Berry Biggert Bilbray Bilirakis Bishop Blagojevich Bliley Blumenauer Blunt Boehlert Boehner Bonilla Bonior Bono Borski Boswell Boucher Brady (PA) Brady (TX) Brown (FL) Brown (OH) Bryant Burr Buyer Callahan Calvert Camp Campbell Canady Cannon Capps Capuano Cardin Carson Castle Chabot Chambliss Clay Clayton Clement Clyburn Coble Collins Combest Condit Conyers Cook Cooksey Costello Cox Coyne Cramer Crane Crowley Cubin Cummings Cunningham Danner Davis (FL) Davis (IL) Davis (VA) Deal DeFazio DeGette Delahunt DeLauro DeLay DeMint Deutsch Diaz-Balart Dickey Dicks Dingell Dixon Doggett Dooley Doolittle Doyle Dreier Duncan Dunn Edwards Ehlers Ehrlich Emerson Engel English Eshoo Etheridge Evans Everett Ewing Farr Fattah Filner Fletcher Foley Forbes Ford Fossella Fowler Frank (MA) Franks (NJ) Frelinghuysen Frost Gallegly Ganske Gejdenson Gekas Gephardt Gibbons Gilchrest Gillmor Gilman Gonzalez Goode Goodlatte Goodling Gordon Goss Graham Granger Green (TX) Green (WI) Greenwood Gutierrez Gutknecht Hall (OH) Hall (TX) Hansen Hastings (FL) Hastings (WA) Hayes Hayworth Hefley Herger Hill (IN) Hill (MT) Hilleary Hilliard Hinchey Hinojosa Hobson Hoeffel Hoekstra Holden Holt Horn Hostettler Houghton Hoyer Hulshof Hunter Hutchinson Hyde Inslee Isakson Istook Jackson (IL) Jackson-Lee (TX) Jenkins John Johnson (CT) Johnson, E. B. Johnson, Sam Jones (NC) Jones (OH) Kanjorski Kaptur Kasich Kelly Kennedy Kildee Kilpatrick Kind (WI) King (NY) Kingston Kleczka Klink Knollenberg Kolbe Kucinich Kuykendall LaFalce LaHood Lampson Lantos Largent Larson Latham LaTourette Lazio Leach Lee Levin Lewis (CA) Lewis (GA) Lewis (KY) Linder Lipinski LoBiondo Lofgren Lowey Lucas (KY) Lucas (OK) Luther Maloney (CT) Maloney (NY) Manzullo Markey Martinez Mascara Matsui McCarthy (MO) McCarthy (NY) McCollum McCrery McDermott McGovern McHugh McInnis McIntosh McIntyre



McKeon McKinney McNulty Meehan Meek (FL) Menendez Metcalf Mica Millender-McDonald Miller (FL) Miller, Gary Miller, George Minge Mink Moakley Mollohan Moore Moran (KS) Moran (VA) Morella Murtha Myrick Nadler Napolitano Neal Nethercutt Ney Northup Norwood Nussle Oberstar Obey Olver Ortiz Ose Owens Oxley Packard Pallone Pascrell Pastor Payne Pease Pelosi Peterson (MN) Peterson (PA) Petri Phelps Pickering Pickett Pitts Pombo Pomeroy Porter Portman Price (NC) Pryce (OH) Quinn Radanovich Rahall Ramstad Rangel Regula Reyes Reynolds Riley Rivers Rodriguez Roemer Rogan Rogers Rohrabacher Ros-Lehtinen Rothman Roukema Roybal-Allard Royce Rush Ryan (WI) Ryun (KS) Sabo Salmon Sanchez Sanders Sandlin Sawyer Saxton Schaffer Schakowsky Scott Sensenbrenner Serrano Sessions Shadegg Shaw Shays Sherman Sherwood Shimkus Shows Shuster Simpson Sisisky Skeen Skelton Slaughter Smith (MI) Smith (NJ) Smith (TX) Smith (WA) Snyder Souder Spence Spratt Stabenow Stark Stearns Stenholm Strickland Stump Stupak Sununu Sweeney Talent Tancredo Tanner Tauscher Tauzin Taylor (MS) Taylor (NC) Terry Thomas Thompson (CA) Thompson (MS) Thornberry Thune Thurman Tiahrt Tierney Toomey Towns Traficant Turner Udall (CO) Udall (NM) Upton Velazquez Vento Visclosky Vitter Walden Walsh Wamp Waters Watkins Watt (NC) Watts (OK) Waxman Weiner Weldon (FL) Weldon (PA) Weller Wexler Weygand Whitfield Wicker Wilson Wolf Woolsey Wynn Young (AK) Young (FL) NAYS--4 Chenoweth Coburn Paul Sanford NOT VOTING--9 Becerra Boyd Burton Hooley Jefferson Meeks (NY) Scarborough Wise Wu {time} 1223

STEARNS changed their vote from ``nay" to ``yea".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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- [Motor Carrier Safety Act Of 1999](#)

October 14, 1999

- [National Transportation Safety Board Reauthorization Act Of 2006](#)

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- [National Transportation Safety Board Amendments Act Of 2000](#)

October 17, 2000

- [National Transportation Safety Board Amendments Act Of 2000](#)

October 17, 2000

- [National Transportation Safety Board Reauthorization Act Of 2010](#)

September 28, 2010

- [Interim Continuation Of Administration Of Motor Carrier Functions By The Federal Highway Administration](#)

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- [National Transportation Safety Board Amendments Act Of 2000](#)

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- [National Transportation Safety Board Amendments Act Of 2000](#)

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